

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Galveston DIVISION
"Jury"

United States Court
Southern District of Texas
FILED

JAN 29 2019

WILLIAM D. BRADLEY, Clerk of Court

John David Kennermer 2197180
Plaintiff's Name and ID Number

Ramsey Unit TDCJ
Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

Rebecca M. Danzy 59 Danington Rd Rosham TX 77583
Defendant's Name and Address

Shawn M. Wittig 59 Danington Rd Rosham TX 77583
Defendant's Name and Address

Bruce Armstrong 59 Danington Rd Rosham TX 77583
Defendant's Name and Address
(DO NOT USE "ET AL.")

Complaint with Jury Demand
INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION
"Jury"

John David KENNEDY 2197180 1100 FM 655 Rosharon TX 77583

V

Fredrick L. Gorton 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Kurtis D. Blair 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Joe Kinkeady III 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Charlton McKnight 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Paul L. Reynolds 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Ayinde Adetayo 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Ibrahim Dumbuya 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Shemeka S. Douglas 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Naivale Wilton 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Adam M. Gonzales 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Justin C. Opair 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

Steve Massie 59 Dunnington Rd. Rosharon TX 77583
Defendants Name and Address

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: October 4th 2019
2. Parties to previous lawsuit:
 Plaintiff(s) John David Hennessee
 Defendant(s) Bryan Collier et al
3. Court: (If federal, name the district; if state, name the county.) Southern District of Texas
4. Cause number: Civil Action 3:19-cv-00335
5. Name of judge to whom case was assigned: I am not sure
6. Disposition: (Was the case dismissed, appealed, still pending?) still pending
7. Approximate date of disposition: still pending

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PREVIOUS LAWSUITS:

A. Have you filed any other lawsuit in state or Federal Court relating to your imprisonment? Yes

1. Approximate date of filing lawsuit: on or about January ²⁰²⁰ 22nd
2. Parties to previous lawsuit
plaintiff: John David Kewener
Defendant: Parker County Et al
3. Court: Northern District of Texas Fort Worth Division
4. Cause number: I do not know yet
5. Name of Judge to whom case was assigned: I do not know yet.
6. Disposition: still pending
7. Approximate date of disposition: still pending

II. PLACE OF PRESENT CONFINEMENT: Ramsey Unit 1100 FM 655 Rosshawn 77583

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

✓ YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

See Attached Exhibit "A" p. 20

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: John David Kenemer 1100 FM 655 Rosshawn
Texas 77583

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Reveka M Danzy / sergeant over the trustee Camp For
TDCJ Darrington Unit 59 Darrington Road Rosshawn TX 77583

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Reveka M. Danzy is not being sued in her official capacity (cont. on p. 6)

Defendant #2: Shawn M Wittig / supervisor For Farm operation TDCJ
Darrington Unit 59 Darrington Road Rosshawn TX 77583

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Shawn M. Wittig is not being sued in his official capacity (cont. on p. 6)

Defendant #3: Bruce Armstrong / warden of Darrington TDCJ
59 Darrington Road Rosshawn Texas 77583

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Bruce Armstrong is not being sued in his official capacity (cont. on p. 6)

Defendant #4: Frederick L. Gooden / Major TDCJ Darrington Unit
59 Darrington Road Rosshawn TX 77583

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Frederick L. Gooden is not being sued in his official capacity (cont. p. 7)

Defendant #5: Kurtis D. Pharr / Major TDCJ Darrington Unit
59 Darrington Rd Rosshawn TX 77583

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Kurtis D. Pharr is not being sued in his official capacity (cont. p. 7)

PARTIES TO THIS SUIT:

IV. CONT.

Cont.
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B.

Briefly describe the acts or omissions of the defendant which you claim harmed you.
Defendant #1 (codition previous page) She refused to follow the policy of TDCS concerning Drinking water being provided to 300 inmates. Reneka Mc Dany acted in her own individual capacity putting the lies of the Trustee Camp Inmates in danger of death or serious injury by not providing drinking water for them on ~~8/10/19, 8/11/19, 8/12/19~~ and 8/18/19. She put my life in danger of death and injury also.
She cannot be sued in her official capacity because TDCS does not condone putting the lies of inmates in danger by not providing them drinking water during periods of excessive heat. (See "Seasonal Reparativeness Directive - March 2019" Exh "B" - Briefly describe the acts or omissions of this defendant which you claim harmed you.

Defendant #2 (cont. from previous page) Sharon in writing refused to follow the policy of TDCS concerning Drinking water being provided to the farm workers (40+ men). Sharon in writing acted in his own individual capacity putting the lies of the farm working inmates in danger of death or serious injury by not providing drinking water for us on 8/24/19, 8/25/19, 8/26/19, 8/27/19, 8/28/19, and 8/29/19 when heat index was over 102° each day. He put my life in danger during those times and days. Sharon in writing cannot be sued in his official capacity because TDCS does not condone putting the lies of inmates in danger by not providing them drinking water during periods of excessive heat. (See "Seasonal Reparativeness Directive - March 2019" Exh "B" - Briefly describe the acts or omissions of this defendant which you claim harmed you.
Defendant #3 (cont. from previous page) Bruce Armstrong was marked "notice of no water" on 8/12/19, 8/19/19, 8/20/19, 8/21/19, 8/22/19, 8/23/19, 8/24/19, 8/25/19, 8/26/19, 8/27/19, 8/28/19, 8/29/19, 8/30/19, 8/31/19, 9/1/19, 9/2/19, 9/3/19, 9/4/19, 9/5/19, 9/6/19, 9/7/19, 9/8/19, 9/9/19, 9/10/19, 9/11/19, 9/12/19, 9/13/19, 9/14/19, 9/15/19, 9/16/19, 9/17/19, 9/18/19, 9/19/19, 9/20/19, 9/21/19, 9/22/19, 9/23/19, 9/24/19, 9/25/19, 9/26/19, 9/27/19, 9/28/19, 9/29/19, 9/30/19, 10/1/19, 10/2/19, 10/3/19, 10/4/19, 10/5/19, 10/6/19, 10/7/19, 10/8/19, 10/9/19, 10/10/19, 10/11/19, 10/12/19, 10/13/19, 10/14/19, 10/15/19, 10/16/19, 10/17/19, 10/18/19, 10/19/19, 10/20/19, 10/21/19, 10/22/19, 10/23/19, 10/24/19, 10/25/19, 10/26/19, 10/27/19, 10/28/19, 10/29/19, 10/30/19, 10/31/19, 11/1/19, 11/2/19, 11/3/19, 11/4/19, 11/5/19, 11/6/19, 11/7/19, 11/8/19, 11/9/19, 11/10/19, 11/11/19, 11/12/19, 11/13/19, 11/14/19, 11/15/19, 11/16/19, 11/17/19, 11/18/19, 11/19/19, 11/20/19, 11/21/19, 11/22/19, 11/23/19, 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IV coter Parties To THIS SUIT

Defendant #3 (Leot from previous page warden Armstrong) were to look in the codes and found them empty of water. Bruce Armstrong can not be sued in his official capacity because his actions were not those of a warden acting under the Policy of TDCJ.

He showed deliberate indifference to the most basic of human needs to sustain life. water is required for human life. Bruce Armstrong went against TDCJ policy and put the lives of 300 inmates in danger of death or injury" (see Reasonable Preparedness Directive - March 2014) Exhibit B

He put my life in danger of death or injury."

Briefly describe the acts or omissions of this defendant

which you claimed harmed you."

Defendant #4 Frederick L. Gooden had first hand knowledge of the lack of water being given to the inmates of the Trustee Canteen. He received more than 2 notices of no water by Truck mail Unit mail. On 11/5/19, I personally told him we had been without water all night long while on "lock down." We were provided 110 gallon containers of drinking water for 87 men. This is about 12 ounces of water per man. in a 24 hour period. He had the authority to have 100s of gallons of water provided to us.

Frederick L. Gooden cannot be sued in his official capacity while refusing to follow TDCJ policy. TDCJ can not be held responsible for his actions unless they told him in Court. Frederick L. Gooden put my life and the lives of others in danger by not providing the most basic human need for life, water. Briefly describe the acts or omissions of this defendant

IV. cont

PARTIES TO THIS SUIT:

Defendant #5 (from previous page 5) (Kurtis D Pharr) "The Texas Department of Criminal Justice (TDCJ) is committed to ensuring every reasonable effort is made to prevent injuries related to excessive and extreme temperatures." (see first line of Seasonal Preparedness Directive - March 2019)

After seeing a man have a heart stroke in front of him, Kurtis D Pharr continued to put the lives of others in danger by not providing them with drinking water.

Endangering the lives of other is a criminal offence in the state of Texas. Kurtis D Pharr cannot be sued in his official capacity because the State of Texas does not condone its employees committing a criminal act. He could not be working and committing a crime at the same time.

Defendant #6 Joe Klinkovsky III / Farm manager Darlington Unit
59 Darlington Rd Roshamon Texas 77583

- Briefly describe the acts or omissions of this defendant which you claimed harmed you.

Mr Klinkovsky had direct knowledge (through his eyes) that the farm workers of the Darlington Unit Trustee Camp were being forced to work without drinking water on 8/24/19, 8/25/19, 8/26/19, 8/27/19, 8/28/19, and 8/29/19 when heat indexes remained above 102°.

When the Ice machine broke at the farm shop it was not reported to the warden or Region III Director.

Deliberate Indifference was shown by Joe Klinkovsky as he recklessly Endangered the lives of the inmates that work for him. Joe Klinkovsky cannot be sued in his official capacity for committing a crime of Endangering the lives of others Forcing them to work without water.

Joe Klinkovsky turned a blind eye to the Policies of TDCJ. Joe Klinkovsky put my life in danger of death and injury by not following these policies.

Defendant #7 Charlotten McKnight / Lt. of Trustee Camp
59 Darlington Rd Roshamon Texas 77583

- Briefly describe the acts or omissions of this defendant which you claim harmed you. (cont. on next page)

Cont
2004
2/9/57

IV (cont)

PARTIES TO THIS SUIT:

Defendant #1 (cont from previous page) Charlotten McKnight was responsible as the head supervisor of The Trustee Camp allowing 90% of the reckless indifference to the shortage of drinking water. She had 100% knowledge that inmates were becoming sick because of no drinking water being supplied. She had the power with her rank to fix the problem and chose not to.

She endangered the lives of inmates by not providing us with the most basic human need of water. Her office was at the Trustee Camp. She saw us almost every day. She heard the cries of her inmates for drinking water and she did nothing to change the problem.

Charlotten McKnight can not be sued in her official capacity because her actions went against the policies of TDCJ. She committed a criminal act of Endangering the lives of others.

Defendant #2 ANNE R. Reynolds / Sergeant over Trustee Camp For TDCJ Overington Unit 59 Darrington Road Rosharon TX 77583.

Briefly describe the acts or omissions of this defendant which you claimed harmed you.

This policy of TDCJ was not followed by ANNE R. Reynolds "Coordinate with Maintenance and Food Service when necessary to ensure additional water, including ice, is provided to staff and offenders in work areas and encourage high water intake throughout the day during periods of excessive heat." (p.3 First paragraph Seasonal Preparedness Directive - March 2019) p.25 Exhibit B. She endangered the lives of inmates by refusing to follow TDCJ Policy.

She endangered my life with the lives of others.

This was a criminal act under the laws in the State of Texas and TDCJ should not indemnify or hold harmless any employee who acts against the laws of this State.

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Court Case

PARTIES TO THIS SUIT:

Defendant #9 ADETAYO AVINDE/C.O. III Dorm Guard
59 Darrington Road Kosharon Texas 77583

Briefly describe the acts or omissions of this defendant which you claimed harmed you

On 9/14/19 at 6:30am she threatened me with a major disciplinary case of "Threatening an Officer" (on the same Texas escape) after asking her for water. She caused injury to me that day. I felt dizzy and like I was drunk. I was in fear to ask for anymore help. at around 7:00am Sergeant Gonzalez came in and I ask him for water. ADETAYO AVINDE put my life in danger along with the lies of the inmates in Exhibit C, also the witnesses in this complaint. ADETAYO AVINDE is being sued in her individual capacity for endangering the lives of others. She cannot be sued in her official capacity because she was not acting as a TDCJ Employee is required to act.

Defendant #10 IBRAHIM Dumbuya/Sergeant of the
Darrington West Justice camp 59 Darrington Rd Kosharon
Texas 77583

Briefly describe the acts or omissions of this defendant which you claimed harmed you

He failed to follow the TDCJ Policy that states "water and cups must be available at all times to include during meal times." (page 3 of 4 Seasonal Preparedness Directive - March 2019) EXHIBIT B From August 2018 until November of 2018 this Policy was not followed. The paper I have will not allow me to sign every date and time of this "endangering harm" but I can provide it to the court. I am sure TDCJ does not condone Endangerment of life so he could not have been acting in his official capacity.

PARTIES TO THIS SUIT:

IV (cont)

Defendant #11 Shemeka S. Douglas/Sergeant Trustee
Camp Darrington Det. 59 Darrington Rd, Rosham TX 77583
- Briefly describe the acts or omissions of this defendant
which you claimed harmed you

At 8:15am Sergeant Douglas put my life in danger by
refusing to provide drinking water for me and my fellow
inmates while on lock down.
She caused injury to me by making me feel dirty and sick
to my stomach. I felt drunk.
There was no movement on 11/6/19, no cold showers, we
were on lock down.
On 11/7/19 a notice of no water was sent again to the
wardens and majors.

This Douglas did not follow TDCJ policy of
"water and cups must be available at all times, to include
during meal times" (page 3 of 4 seasonal preparedness directive
March 2019) Not under above 102° F AS Exh B
She acted in her individual capacity by endangering my life.
Defendant #12 Danielle Wilcox/Lt. of Trustee Camp
59 Darrington Road Rosham TX 77583
- Briefly describe the acts or omissions of this defendant
which you claimed harmed you

Lt. Danielle Wilcox took Lt. Charles McKeith's
position as head supervisor of the Trustee Camp Ground
October of 2019.
On 11/8/19 I told Mrs Wilcox through the window that
we had no water in room. I later saw Lt Wilcox
in the visitation area, and told her we still had no water.
She said "I was made aware that the Assistant Trustee
Sergeant had about the problem with water.
Danielle Wilcox put my life in danger by
deceiving as water on 11/8/19.

She was not acting in her official capacity. She
committed a crime against the State of Texas by
putting the lives of inmates in danger of death
or injury.

Page 11 of 29

Mr. Gaudin refused to follow the policy "water and cups" must be available at all times, to include during meal times. (Page 3 of Seasonal Preparedness Directive March-2019) This was continuing harm. On 11/8/19 was one specific day of many that Sergeant Gaudin's acted in his own capacity and ignored TDCS policy while putting our life in danger without one of the most basic human needs. C.O. Fisher contacted Sergeant Gaudin at 7:00 am on 11/8/19 and informed him there was no drinking water in IDorm. WOC were on lock down with no water period.

Defendant #4 Justin C. Opava/C.O.P. Rose For Trusty
Camp 34 Darrington Rd, Roshamo Texas 77583

Briefly describe the acts or omissions of this defendant which you claimed harmed you.
Mr. Opava was the Rose on the trusty Camp. One of his jobs during "lock down" was to bring each dorm ICE water. He knew we had no way to get the water ~~on~~ ourselves and he allowed us to go for many hours without any water.

C.O. Opava was recklessly negligent to our human need for drinking water on 11/5, 11/6, 11/7, and 11/8/2019.

These are just some of the ~~many~~ many days he endangered my friend the lives of others. He acted in his personal capacity committing a criminal act of endangering the lives of others.

Defendant #15 Steve Masse / Assistant Director of Region III
34 Darrington Rd, Roshamo Texas 77583

Mr. Masse endangered the lives of the inmates at the Darrington Trustee camp by not replacing the water fountain. He had no knowledge of them not working.

Mr. Masse put my life in danger with lack of drinking water,
Page 12 of 29

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Jurisdiction: The action by the defendants happened at the Darrington Unit of the Texas Department of Criminal Justice in Brazoria County. The defendants in this complaint all work or live on the Darrington Unit Property. The Southern District of Texas Galveston Division has Jurisdiction in this case.

These defendants acted under the color of law and deprived inmates of the most basic human need of drinking water. Let us define "drinking water" and draw a line now between "Drinking water" and "water". (cont. on p.14)

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. Trial by Jury on the issues triable

1.) The actions of defendants Dawzy, Wittig, Ayinde, Opura, Gonzales, Douglas, Wilcox, Klinkowsky, Reynolds, (cont. on p.17)

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

John David Kenner, John Kenner, David Kenner

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

2197180 TDC# I do not know anymore.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

State ment of Claim: (cont)

1.) "Water can be found all over the unit. The sinks in both bathrooms, the toilets, the showers, or the paddle of overflowing water outside, all of which contain water. None of these should be considered sources of "drinking water".

"Drinking water comes from a sanitary source (free from bacteria). The toilets, the showers and the sinks may have "drinking water" in the pipes that supply the fixtures, but the fixtures are no intended to be drunk from. The water is no longer sanitary once it flows out of the fixture.

The water in creaks, pipes, and streams can be drunk but the source is not sanitary, so it is not considered "drinking water". The source of the water, a toilet or sink may be cleaned with bleach or rubbing alcohol and become sanitary, but the moment someone uses the fixture for its intended purpose If he comes in sanitary! The toilet someone enters in or the sink someone spots in while brushing their teeth, or the shower head that someone drops their towels over to drip dry. A source that "drinking water" comes from (toilet faucet or water cooler) is used for "drinking water" only. No-body brushes their teeth and spots in a toilet faucet. No-body washes their hands in a toilet faucet after using the bathroom.

A water fountain is sanitary every time it is used. A water cooler is sanitary every time it is used. (It still needs daily cleaning) "Drinking water" comes from fixtures that are not used for anything else.

Mr Woods (TOOS Employee who test the water) uses a blue fork to sanitizes an outside hose bib before he takes a sample of the water. The next from the fork kills the bacteria on the hose bib. At the time he takes a sample the water is "drinking water". The second you screw a water hose on the faucet it is no longer sanitary and it is no longer "drinking water". I had to make this point clear from the start to save the Court from having the defendant argue that water was everywhere on the unit. Water is everywhere but none of it's drinking water."

2005
1005
1005

25/11/2017

Good G. A. O'pore advised us every water on rock down.
10) Steve Messie Region III Assistant Director had full
knowledge that the water found and was and working in one
down and had not worked for over 1 year.

7.) 9/26/19, 9/28/19, 9/30/19: Notice of no water set to the landowners and Mayors. At the Knight and Justin open, 8.) The Above dates are just some of the days

Major Pharr, Warden Armstrong, and Assistant Warden (not named in this suit)

9/18/44. Sgt Gonzales, 5th Airborne, 4th Infantry Division, was directly involved in getting us out.

Sharon M. Wittig and Joe Kinkorasy in Mateo
no farm workers work without water. Please see Exhibit 2

of no water made to London Kensington (no notice) notice of
no water set to Major than a Major goodman (good).

2. On these dates listed the defendants appeared as

6-20-2014

STATEMENT OF CLAIM (cont.)

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Court copy

11. (cont) (from previous page) The injury sustained by being "continually deprived of drinking water is unknown by me. When the human body starts to become sick due to dehydration, brain cells die, organs are poisoned, the body is hurt, and injury is certain. Now the question is how many days of my life have been lost due to this injury? This is for Doctors, this Court and a jury to decide.

12.) All the defendants, or any single one of them had the authority with their rank to supply more than enough drinking water for us. With some ICE machines broken the main building still had plenty of ICE to support the Trustee Camp. If all the ICE machines went down at once, at Darrington, The cuts around Darrington had plenty of ICE to support Darrington. The truth of the fact is that if one of the defendants had to go out of his way to supply us with drinking water, we were told "there was no ICE."

12.) When Steve Massie had a chance to buy water fountains for the Trustee Camp, he did not. 13.) When Warden Bruce Armstrong had a chance to buy new water fountains, he did not.

14.) The injunctive power of this claim should not be moot upon my transfer to ~~the~~ other units. I will always (For the next 8 years) be subject to a transfer back to Darrington.

15.) The injunctive powers of this claim should not be moot upon my parole. I will still be under the supervision of TDCS and the chances (according to TDCS) of my return are "high." I could be subject to be moved back to Darrington if I come back on a parole violation. The only way these injunctive powers should be moot is if the Board of Pardons and Paroles, pardon me for the remainder of my sentence, 16.) This has been a continuing harm/continuing injury from about August 1st 2014 to November 15th 2019. (the date of my move to Kaussey.

17.) The Warden of Kaussey follows the policy of TDCS. She has a ~~cont~~ Drinking Water Program. Please see Exh "D." I have not been without drinking water on this Court to date.

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RELIEF:

claims

- 1.) (Cont from previous page) in depriving us of Drinking water or in failing to intervene to prevent dehydration were done maliciously and sadistically and constituted cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution.
- 2.) The actions of defendants Dawzy, Witting, Ryinle, Opara, Gonzales, Douglas, Wilson, Klinkovsky, and Reynolds in Endangering the lives of others and the plaintiff without need is a crime in the state of Texas.
- 3.) The failure of defendants Armstrong, Gooden, Pharr, and Massie to take disciplinary or other action to curb the known pattern of dehydration by the guards not providing water, constituted deliberate indifference to the plaintiff's and other prisoners' safety and contributed to and proximately caused the above-described violation of Eighth Amendment rights and Endangerment of life.

RELIEF

A. Issue a declaratory judgment stating that:

1. In depriving the plaintiff of a basic human need of Drinking water, The defendants violated the plaintiff's rights under the Eighth Amendment to the United States Constitution and constituted Endangerment of life under State Law.
2. Defendants Armstrong, Gooden, Pharr's Failure to take action to curb the deprivation of Drinking water to prisoners violated the plaintiff's rights under the Eighth Amendment to the United States Constitution and constituted Endangerment of life under state law.

B. Issue an injunction ordering defendants Armstrong, Gooden, and Pharr or their agents to:

- 1.) Immediately comply with TDCJ policy concerning Drinking water for inmates.
- 2.) Immediately comply with "Seasonal Preparedness Directive - March 2019" to it's fullest reach.

C. Issue an injunction ordering defendant Steve Massie to replace all water fountains on the Trustee Camp with new ones.

VI cont.

RELIEF: cont.

C. (cont)

2.) Issue an injunction ordering defendant Steve Massie to replace the ICE machine in the Trustee Camp Kitchen. (It is old, parts are hard to find)

D. Award ~~comp~~ compensatory damage in the following amounts:

1.) \$100,000 jointly and severally against defendants Reneka M Danzy and Shawn M Wittig for the physical and emotional injuries sustained as a result of the plaintiff's deprivation of drinking water.

2.) \$10,000 jointly and severally against defendants Armstrong, Pharr, and Gooden for the physical and emotional injuries sustained as a result of the plaintiff's deprivation of drinking water.

3.) \$2,000 jointly and severally against defendants Klinkovsky, Reynolds, McKnight, Wilcox, Gonzales, Opara, Massie, and Dumbuya for the physical and emotional injuries sustained as a result of the plaintiff's deprivation of drinking water.

~~4.) \$~~

E. Award punitive damages in the following amounts:

1.) \$ 5,000.00 each against defendants Armstrong, Pharr, and Gooden.

2.) \$ 2,000.00 each against defendant ADETAYO Ayinde

3.) \$ 500.00 each against defendants Klinkovsky, McKnight, Reynolds, Dumbuya, Douglas, Wilcox, Gonzales, Opara and Massie.

F. Grant such other relief as it may appear that plaintiff is entitled including court cost and Attorney fees.

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES X NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.
(If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 1-27-20
DATE

John David Kewener Pro Se
[Signature]
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 27th day of January, 20 20.
(Day) (month) (year)

[Signature]
John David Kewener Pro Se
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.